

To the Secretary of State:

As provided in Section 14 of Article 4 of the Constitution of Texas, I transmit to you herewith to be filed in the office of the Secretary of State, House Bill No. 14, the same being "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to wit: University of Texas; Agricultural and Mechanical College; State Experimental Station; Prairie View Normal; College of Industrial Arts for Women; Sam Houston Normal Institute; North Texas State Normal; Southwest Texas Normal School, and West Texas Normal School, and declaring an emergency."

Said House Bill No. 14 was received in the Governor's Office on the 19th day of August, 1913, at four o'clock p. m. In the appropriation for each of said institutions is the following provision:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter two, Title Sixty-five of the Revised Civil Statutes of 1911."

I am of the opinion that under the limitations of the foregoing provision I would be authorized to reduce any appropriation made for any of the institutions mentioned in said bill, but there is some doubt as to the validity of such action. By such course the appropriations could be equalized and the funds of the State better distributed, but inasmuch as the Automatic Tax Board would probably follow the rule in fixing the tax rate of doing so upon actual appropriations, I deem it inadvisable to pursue the course which the provision in the appropriation bill suggests, as such action might be subject to litigation, be indefinite and unavailing in the fixing of a reasonable tax rate. The items in said House Bill No. 14 not objected to are approved. The items disapproved in this message to the Secretary of State, where no other reason is specified, is because of the appropriation being excessive under prevailing conditions of the State's finances, and to approve them would entail an unreasonable and burdensome rate of taxation upon the people. No appropriation is disturbed to the extent of injury to the institutions. By reason of conditions, improvements which are now asked for will have to be deferred as a result of said conditions. The figures in the items objected to and disapproved are crossed out with red ink so that there may be no misunderstanding as to the intention of the Governor in disapproving them.

University of Texas.

(1) On page 2, under the head of "University of Texas," is the following item: "For the maintenance, support and direction of the University of Texas, including the Medical College at Galveston, for the years beginning September 1, 1913, and ending August 31, 1915, from the general revenue," \$658,300.00 for the fiscal year ending August 31, 1914, and \$700,250.00 for the fiscal year ending August 31, 1915. The item of \$700,250.00 for the fiscal year ending August 31, 1915, is objected to and disapproved. The appropriations made for the support of the University are in lump sums, and being so arranged I am compelled to take the course herein adopted. In a conversation with responsible officers of the University and others interested therein I indicated a willingness to approve an appropriation of \$548,000.00 for each fiscal year, that sum being stated in the bulletin of the University of Texas which contains the biennial report of the Board of Regents, as the present running expenses of the University. I was extremely desirous of doing all that good business prudence would justify, to the end that the income of the University from its endowment for the next two years might all

be applied to the payment of the cost of constructing suitable and durable buildings for the University. Ignoring this disposition and desire upon my part, the appropriation has been so arranged as to force me, as already stated, out of business prudence, to disapprove the appropriation for the second year. However, by the wording of the appropriation the \$658,300.00 for the first year is available also for the second. This lump sum is only \$10,000.00 less than the combined appropriation for the two previous fiscal years. It is 100 per cent greater than the amount appropriated for any other like period for the support of the University, except for the first two years of my term as Governor. At the proper time I shall be glad to entertain an application for a reasonable amount of deficiency to supplement the appropriation herein approved.

(2) On page 2 is the following item: "Bureau of Economic Geology and Technology—for field work, printing bulletins of artesian and other underground waters, preparation of general report on the mining resources of the State, preparation of a geological and mineral map of the State, for the completion of work on the fuels of the State, for publications, mapping, help, etc.," \$12,500.00 for each of the fiscal years ending August 31, 1914, and August 31, 1915. The item of \$12,500.00 for the fiscal year ending August 31, 1914, is objected to and disapproved.

Agricultural and Mechanical College.

(1) On page 2 are the following items:

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Dean's office	\$ 1,000.00	\$ 1,000.00
Physics	2,500.00	3,000.00
Library	12,000.00	12,000.00
President's contingent	4,500.00	4,500.00

Said items above enumerated on page 2, under the head of "Agricultural and Mechanical College," are objected to and disapproved.

(3) On page 3 are the following items:

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Extension work	\$ 17,500.00	\$ 17,500.00
Visiting to schools.....	2,000.00	2,000.00
Production and distribution of serums..	2,000.00	2,000.00
Experiment station	15,000.00	15,000.00
Highway engineering.....	6,700.00	6,700.00
Operating power plant	30,000.00	30,000.00
Repairs	15,000.00	14,000.00
Field workers, agricultural department..	10,000.00	10,000.00

All of the foregoing items on page 3, under the head of "Agricultural and Mechanical College," are objected to and disapproved. Referring especially to the item of \$15,000.00 each year for the Experimental Station, attention is invited to the fact that under the head of "State Experiment Sub-stations," the sum of \$82,500.00 per annum is appropriated for the maintenance of said stations. The sum of \$30,000.00 per annum is received from the Federal Government for the support of the main station at College Station.

(3) On page 3 is the following item: "Proposed new branches of the agricultural educational department, embracing forestry, poultry, husbandry, crop marketing, farm management, floriculture, landscape gardening, and agricultural engineering," \$10,000.00 for the fiscal year ending August 31, 1915. This item is objected to and disapproved. Many of the purposes for which it is proposed are provided for by the appropriation for the Experiment Sub-stations, and for the Agricultural Department.

(4) On pages 3 and 4 are the following items: "Agricultural building," \$150,000.00 for the year ending August 31, 1915; "Hospital and

equipment," \$35,000.00 for the fiscal year ending August 31, 1914; "Cottages," \$10,000.00 for each of the fiscal years ending August 31, 1914, and August 31, 1915; "Veterinary building," \$100,000.00 for the fiscal year ending August 31, 1915; "Building for animal husbandry department, to include: Animal judging pavilion, \$38,000.00 for the year ending August 31, 1914; Horse and cattle barn, \$10,000.00 for the year ending August 31, 1914; Sheep barn, \$1500.00 for the year ending August 31, 1914; Hog barn, \$1500.00 for the year ending August 31, 1914; Hog cholera building, \$4000.00 for the year ending August 31, 1914; Incenerator, \$2500.00 for the year ending August 31, 1914; Roads, bridges and sidewalks, \$10,000.00 for the fiscal year ending August 31, 1914, and \$10,000.00 for the fiscal year ending August 31, 1915; Waterworks and apparatus and air compressor, \$15,000.00 for the year ending August 31, 1914, and \$20,000.00 for the year ending August 31, 1915. All of the foregoing items for buildings and improvements are objected to and disapproved. Section 13 of Article 7 of the Constitution of Texas makes the Agricultural and Mechanical College a branch and part of the University of Texas. Section 14 of Article 7 of the Constitution contains the following prohibition against the Legislature appropriating money out of the general revenue, raised by taxation, for the erection of buildings for the University. The prohibition reads as follows: "Provided, that no tax shall be levied and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of buildings of the University of Texas."

The Agricultural and Mechanical College of Texas, being a branch of the University of Texas, it is believed by many that it is subject to the proviso in Section 14 of Article 7 of the Constitution which prohibits the levying of a tax and the appropriation of money out of the general revenue for the erection of buildings for that institution. In view of the fact that during the last two years over \$600,000.00 have been expended for buildings at the Agricultural and Mechanical College, and the further fact that the public improvements provided for in the bill cannot be approved without levying a burdensome rate of taxation, I deem it unwise to give my approval to said appropriation until the question now existing as to whether the Legislature can lawfully appropriate money for the erection of buildings at the Agricultural and Mechanical College is determined by the courts.

(5) On page 4 is the following item: "The proceeds of the Pure Feed Control Department, not to exceed \$25,000.00, are hereby appropriated for the year ending August 31, 1914, for the purpose of providing a hydraulic laboratory." This item and provision is objected to and disapproved for the reason that the item of \$25,000.00 which it provides for the erection of a hydraulic laboratory, should be unpledged, and subject to the use of the Board of Directors of the College for such purposes as to them may seem most important.

(6) For the same reason the item on page 4 reading as follows, is objected to and disapproved: "The proceeds of the Pure Feed Control Department, for the years beginning September 1, 1913, and ending August 31, 1914, subject to the preceding item, are hereby appropriated for the purpose of building a mechanical and engineering building, the same to cost not to exceed \$75,000.00."

The terms of Article 2672 of the Revised Civil Statutes of 1911, are quoted at this point. Said Article reads as follows: "Art. 2672. The revenues accruing from the analysis, fees and sale of labels as provided for shall be expended by the Board of Directors of the College for the maintenance of the chemical department, and for such other purposes as they may determine."

It is seen from the foregoing article of the Revised Statutes that the revenues derived from the sale of labels under the Feed Control Act are already appropriated, and the Board of Directors may determine as to the best purpose for which it may be used, and this discretion ought not to be taken away from them under the existing circumstances.

State Experimental Sub-stations.

(1) On page 5 is the following item: "For co-operative feeding and breeding experiments on Texas farms and ranches," \$5000.00 for the fiscal year ending August 31, 1914, and \$5000.00 for the fiscal year ending August 31, 1915. This item for each of the fiscal years is objected to and disapproved, as not being necessary. Besides, I doubt the wisdom of the State establishing experimental stations on the farms and ranches of individuals.

Prairie View Normal.

(1) On page 6 is the following item: "To plaster and equip assembly hall," \$4500.00 for the year ending August 31, 1914; and the following item: "Gallery for assembly hall, complete and equipped," \$3000.00 for the fiscal year ending August 31, 1915; and the following item: "Water tower," \$3000.00 for the fiscal year ending August 31, 1915; and the following item: "Water mains and fire hydrants, as per estimate of State Fire Marshal," \$12,600.00 for the fiscal ending August 31, 1914; and the following item: "Kitchen equipment," \$5000.00 for the fiscal year ending August 31, 1914; and the following item: "New boilers," \$7500.00 for the fiscal year ending August 31, 1914; and the following item: "Domestic science building (fire proof) complete and equipped," \$40,000.00 for the fiscal year ending August 31, 1914; and the following item: "Dormitory (fireproof) complete and equipped," \$50,000.00 for the fiscal year ending August 31, 1915; and the following item: "Addition to shops," \$10,000.00 for the fiscal year ending August 31, 1915; and the following item: "Power plant and equipment," \$20,000.00 for the fiscal year ending August 31, 1914; and the following item: "Laundry, complete and equipped," \$20,000.00 for the fiscal year ending August 31, 1915. On page 7 under the head of "Prairie View Normal," is the following item: "Bath house," \$2100.00 for the fiscal year ending August 31, 1915. All of the foregoing items on pages 6 and 7, under the head of "Prairie View Normal," are objected to and disapproved for the reasons given in the disapproval of appropriations for improvements and buildings for the Agricultural and Mechanical College. Section 14 of Article 7 of the Constitution reads in full as follows:

"Section 14. The Legislature shall, also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people; provided, that no tax shall be levied, and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas."

As showing that the Legislature has interpreted the Prairie View Normal as a branch of the University, in 1879 before the University proper was established, it passed an act, one section of which now constitutes Article 2723 of the Revised Civil Statutes of 1911, and which appropriates a part of the available income from the University endowment for the support of this institution. Article 2723 reads in full as follows:

"Art. 2723. It shall be the duty of the Comptroller of Public Accounts annually to set apart out of the interest accruing from the University fund, appropriated for the support of public free schools, the sum of six thousand dollars for the support of said normal school and the same may be drawn by the board of directors on vouchers audited by the board or approved by the Governor and attested by the Secretary; and, on filing such vouchers, the Comptroller shall draw his warrant on the State Treasury for the same from time to time as the same may be needed."

College of Industrial Arts for Women.

(1) On page 8 are the following items: "One dormitory and dining hall," \$125,000.00 for the fiscal year ending August 31, 1914; "Equipment for dormitory and furnishing," \$15,000.00 for the fiscal year end-

ing August 31, 1915; "Completion of main building," \$40,000.00 for the fiscal year ending August 31, 1915; "One farm cottage," \$1200.00 for the fiscal year ending August 31, 1914. The foregoing enumerated items are objected to and disapproved for the reason that it is deemed inadvisable to make such heavy appropriations for buildings for this institution, in view of the large expenditures during the last two years for the same purpose, and in view of the further fact that to approve these appropriations would contribute to the levying of an unreasonable tax upon the people to raise the money. As a further reason, it is not deemed wise nor good State policy to attempt to erect all the buildings called for by various State institutions out of the revenue raised by one or two years taxation. The reasons herein assigned for disapproving appropriations for buildings for this institution at this time will apply also to appropriation disapproved for other similar institutions. At this point attention is directed to the fact that during the fiscal years ending August 31, 1912, and August 31, 1913, almost as much money has been expended by the present administration in the erection and repair of buildings for public institutions as we expended during the eight preceding years.

Sam Houston Normal Institute.

(1) On pages 9 and 10 are the following items: "Well, tank, pump and fixtures for fire protection and water supply (based on Fire Marshal's estimate), \$11,800.00 for the fiscal year ending August 31, 1914; "Science building," \$50,000.00 for the fiscal year ending August 31, 1914; "Central heating plant and connections to be spent in two years," \$30,000.00; "Industrial building," \$50,000.00 for the year ending August 31, 1915; "Furniture and fixtures for training school building," \$5000.00 for the year ending August 31, 1915. All of the foregoing items are objected to and disapproved for the reasons given in disapproving appropriations for public buildings for the College of Industrial Arts for Women.

North Texas State Normal.

(1) On page 10 appear the following items: "Equipment for library building and gymnasium," \$11,000.00 for the fiscal year ending August 31, 1914; "Construction of central heating plant, complete with boilers, pipes, etc.," \$30,000.00 for the fiscal year ending August 31, 1914; "Construction of building for model training department," \$50,000.00 for the fiscal year ending August 31, 1915; "Equipment of model training department, with furniture, apparatus, etc.," \$5000.00 for the fiscal year ending August 31, 1915. All of these items are objected to and disapproved for the reasons given in disapproving appropriations for buildings for the College of Industrial Arts for Women.

Southwest Texas State Normal.

(1) On page 11 are the following items: "Training department building," \$50,000.00 for the year ending August 31, 1915; "Equipment for Training Department building," \$5000.00 for the fiscal year ending August 31, 1915; "Heating plant," \$25,000.00 for the fiscal year ending August 31, 1915. These items are objected to and disapproved for the reasons given in disapproving appropriations for buildings for the College of Industrial Arts for Women.

West Texas State Normal.

(1) On page 12 are the following items: "Training school or industrial building," \$50,000.00 for the fiscal year ending August 31, 1915; "Wiring, plumbing and equipping training school or industrial building," \$5000.00 for the fiscal year ending August 31, 1915; "Dormitories fitted for 'hatching' and 'light-housekeeping' for students unable to pay board," \$60,000.00 for the fiscal year ending August 31, 1914; "Estimate of cost of proposed private inside and outside fire protection (based on Fire Marshal's report)," \$5900.00 for the fiscal year ending August 31, 1915. These items are objected to and disapproved for the reasons stated in disapproving appropriations for buildings for the College of Industrial Arts for Women.

Respectfully,
O. B. COLQUITT,
Governor of Texas.